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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,572

07/16/2003

Yukiko Takeda

1213.42935X00

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07/05/2007

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EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/619,572

Applicant(s)

TAKEDA ET AL.

Examiner

Marivelisse Santiago-Cordero

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-25.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

CONTINUATION SHEET

Continuation of 11:

Response to Arguments

Applicant's arguments filed on 6/22/07 have been fully considered but they are not persuasive.

In response to Applicant's arguments that Veerepalli fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., acquiring a home address in a network other than in the home network) are not recited in the rejected claim(s) (Remarks: page 17, last paragraph). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims recite acquiring a prefix and generating (or creating) a second home address; this is not the same as acquiring a home address.

In addition, Applicant argues that Veerepalli and each of the other references do not teach or suggest the mobile terminal itself generates a second home address based on the prefix (Remarks: page 18, 1st full paragraph). In response, the Examiner respectfully disagrees. At the outset, it is noted that claims 1, 3-8, 10-12 and 20-24 were rejected as being anticipated by Oishi. As disclosed in the last Office Action, Oishi discloses this limitation (See last Office Action: page 4, section 3). Further, regarding claims 1-2, 6, 13-14, and 18-19 (rejected under 35 U.S.C 103(a) as being unpatentable in view of Veerepalli and Ishiyama), the Examiner notes that Applicant's arguments is the same reason why an obviousness-type rejection was made instead of an anticipation rejection. Ishiyama discloses this limitation in paragraphs [0038] and [0092]

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(see last Office Action: Section 5, specifically pages 14-15). Regarding the latter, it is noted that the rejection was based on a combination of references. Modifying Veerepalli to incorporate the features disclosed by Ishiyama is what meets the claim, i.e., the combination as a whole, not Veerepalli and Ishiyama by themselves.

Furthermore, Applicant argues that none of the references teach or suggest that the gateway equipment in visited network acquires the prefix from the home agent (the home agent is in the home network) (Remarks: page 18, 2nd full paragraph). In response the Examiner respectfully disagrees. At the outset, it is an inherent feature that the home agent is present in the home network. As recited in the last Office Action, Oishi does disclose this limitation in paragraphs [0066]-[0067], and Ishiyama discloses in paragraphs [0068], [0070], [0080], [0084], [0089], and [0092]. In addition, see Response to Arguments section in the last Office Action.

Thus, Oishi meets each and every limitation as claimed and as recited in the last Office Action and Veerepalli in combination of Ishiyama also discloses the limitations as claimed.



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